



# **CITY OF HAYWARD**

## **AGENDA REPORT**

AGENDA DATE 09/12/00

AGENDA ITEM \_\_\_\_\_

WORK SESSION ITEM WS #2

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT:** Review of Data Concerning Racial Profile Study

### **RECOMMENDATION:**

It is recommended that the City Council review and comment on this report.

### **BACKGROUND/DISCUSSION:**

The Hayward Police Department is aware of the nationwide concern about an issue that has been referred to as "racial profiling." Racial profiling allegedly occurs when a police officer discriminatorily stops and/or searches a vehicle based primarily upon the ethnicity of the occupants.

The Hayward Police Department is very sensitive to this issue and has listened to the concerns of our citizens. Community feedback suggests that racial profiling exists to some extent; however, much of this perception seems to be based on anecdotal media coverage of situations that have occurred in other parts of our state and country. Recent media coverage, indicating that officers in other parts of our country have actually been trained to stop vehicles based on the race of the driver, has fueled this perception.

The Hayward Police Department does not condone racially based traffic stops in any manner. It is our policy to treat all individuals fairly, equally, and without prejudice. In fact, our policy strictly prohibits "racial profiling" and outlines criteria that must be met prior to officers stopping and searching any vehicle. This criterion requires officers to establish probable cause that the occupants of a vehicle have committed a violation or a reasonable and articulable suspicion that the vehicle or its occupants have been connected with criminal activity.

The Hayward Police Department has taken a lead in collecting vehicle stop data in this area. While there has been no legislation passed to mandate the collection of this data, the Hayward Police Department has chosen to voluntarily collect and analyze this information. All other police agencies in Alameda County, with one exception, have also voluntarily agreed to collect this data. Additionally, the Alameda County Chiefs of Police and Sheriff's Association has developed a model policy on this topic, which has already been adopted by the Hayward Police Department and will soon be in effect county wide.

The Command Staff of the Hayward Police Department recently utilized a number of training sessions to meet with all Hayward Police Officers. "Racial profiling" and the negative perceptions that have developed across our nation surrounding this topic were discussed in depth. These meetings were also used to discuss the Hayward Police Department's policy and to emphasize our philosophy to treat all individuals fairly, equally, and without prejudice.

It is our intention to be open and frank about the information compiled in this study. All Hayward Police Officers are required to document "Vehicle Stop Information" on every stop made. We began the collection of this data in October of 1999 and we will continue to collect and analyze this data in the future.

### **Collection of Traffic Stop Data:**

Every officer who stops a vehicle for any reason must complete a "scantron" form (Exhibit A). The "scantron" form consists of a comprehensive group of ten questions relating to the reason for the stop and the disposition. The "scantron" forms are submitted to the officer's supervisor at the conclusion of each shift. The supervisor checks the officer's unit history for the day to assure that a form has been completed for every stop made that day and to review the preliminary data. The forms are then submitted to Data Analysis, and reports are generated for examination and review.

### **Review of Traffic Stop Data Collected in the City of Hayward:**

The results of data collected over the last ten months are shown in Exhibits B through G. The charts address ten categories of information that have been collected by Hayward Police Officers on all traffic stops.

- Category #1 – Probable Cause for Vehicle Stop
- Category #2 – Result of Stop
- Category #3 – Were the characteristics of the driver observable before the vehicle was stopped?
- Category #4 – Driver's Race/Ethnicity
- Category #5 – Driver's Age
- Category #6 – Driver's Gender
- Category #7 – Location of Vehicle Stop by Beat (A-H)
- Category #8 – Time of Vehicle Stop
- Category #9 – Was a vehicle search initiated as a result of the stop?
- Category #10 – As a result of the search, what action was taken?

The data from these stops is used to generate a monthly report, which is reviewed by the Hayward Police Command Staff as well as the entire Police Department. The information is also available to the public upon request.

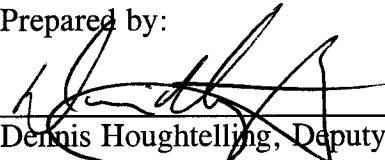
## CONCLUSION:

The statistical information is intended to provide an insight into traffic stops being made in Hayward and how they relate to the ongoing nationwide concerns of "Racial Profiling."

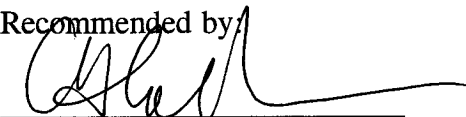
In the City of Hayward, 98% of all stops made by Hayward Police Officers were a result of observed violations of the California Vehicle Code (96%), California Penal Code (1%), or the Hayward Municipal Code (1%). Of the stops initiated, 86% resulted in some type of enforcement action (Citation, Arrest, Field Interrogation), while 14% of the stops resulted in warnings being issued. Nearly half of all stops made involved males between the ages of 18-29, and approximately two-thirds of all stops took place between 7:00 a.m. and 8:00 p.m. Only 7% of all stops made involved a search of the vehicle. In 86% of all the stops made, the ethnicity of the driver was not observable prior to the stop. The ethnicity of drivers stopped seemed to be distributed proportionately and was basically reflective of the ethnic make up of our community.

It is our opinion that the data indicates that Hayward Police Officers are not engaging in "Racial Profiling." The Hayward Police Department will continue to embrace our policy to treat all individuals fairly, equally and without prejudice. We will continue to collect traffic stop data and analyze it on a continuing basis.

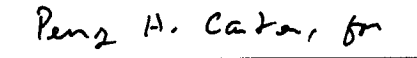
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Approved by:

  
Jesús Armas, City Manager

Attachments:

- Exhibit A - Scantron Form
- Exhibit B - Categories #1 & #2
- Exhibit C - Categories #3 & #4
- Exhibit D - Categories #5 & #6
- Exhibit E - Categories #7 & #8
- Exhibit F - Categories #9 & #10
- Exhibit G - Hayward Policing Beats